

Attn: W-3948**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of Gregory R. Smith
(*inventor(s)*)
for Pomegranate Tree Denominated Smith
(*title of invention*)

the specification of which is being transmitted herewith

OR

In re application of:

Serial No.: 0 / Group No.:
Filed: Examiner:
For:**Commissioner of Patents**P.O. Box 1450
Alexandria, VA 22313-1450**INFORMATION DISCLOSURE STATEMENT****NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 CFR 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 CFR 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

MAILING deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450.

37 CFR 1.8(a)

37 CFR 1.10

 with sufficient postage as first class mail. as "Express Mail Post Office to Addressee"Mailing Label No. EL557780112US

TRANSMISSION

Date 10-30-03 transmitted by facsimile to the Patent and Trademark Office.

Signature

Rodney K. Worrel

(type or print name of person certifying)

List of Sections Forming Part of This Information Disclosure Statement.

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. Preliminary Statements
2. FORM PTO - 1449 (Modified)
3. Statement as to Information Not Found in Patents or Publications
4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. Cumulative Patents or Publications
6. Copies of Listed Information Items Accompanying This Statement
7. Concise Explanation of Non-English Language Listed Information Items
 - 7A. EPO Search Report
 - 7B. English Language Version of EPO Search Report
8. Translation(s) of Non-English Language Documents
9. Concise Explanation of English Language Listed Information Items (Optional)
10. Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."
Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1]—page 2 of 4)

S t i n 1. Preliminary stat ments

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

In compliance with 37 C.F.R. Sections 1.97 and 1.98, the applicant(s) and those associated with the filing and prosecution of the above-identified patent application hereby state that they are not aware of any information material to the prosecution of the patent application.

Section 10. Identification of Person(s) Making THIS INFORMATION DISCLOSURE STATEMENT

The person making this statement is

(check each applicable item (a) and (b))

(a) the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(b) an individual associated with the filing and prosecution of this application (37 CFR 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(c) the attorney who signs below on the basis of the information:

(check each applicable item)

- supplied by the inventor(s).
- supplied by an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).
- in the attorney's file.

SIGNATURE OF ATTORNEY

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(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement [6-1]—page 4 of 4)